

REMARKS

Claims 1, 5, 10 and 11 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,062,294 (Huitt). Applicants respectfully traverse the rejection.

Huitt shows an apparatus for fracturing a formation by hydraulically or explosively driving a piston or bit into the face of the wellbore. At the outset, it is important to note that Huitt does not teach a method or device for hydraulically fracturing a wellbore, but rather an apparatus for physically initiating fractures in the formation.

In one embodiment, a frangible covering may be included to provide a covering for the bit; however, this covering is not a burst disk as described in the present application. The frangible covering is not designed to burst at a specific pressure, but rather simply when the bit is forced into it. In addition, fluid pressure is not used to burst the covering, but rather the bit itself.

The Examiner asserts that the casing (22) of Huitt, which isolates the wellbore from the formation and prevents fluid from flowing into the wellbore, describes the annulus isolation mechanism of Applicant's invention. To the contrary, the annulus isolation mechanism of the present invention isolates the one area or region of the annulus from a higher or lower region or area in the annulus, thereby preventing the flow of fluids through the annulus. Clearly, the annulus isolation mechanism of the present invention is not the same or equivalent to the casing of Huitt.

Finally, there is nothing in Huitt which suggests that the apparatus is suitable for hydraulic fracturing. To the contrary, Huitt indicates that the apparatus is specifically for "initiating fractures" (Col. 1, ll. 35-37). There does not appear to be any mechanism included in the Huitt apparatus that allows fluid to be placed through it. Fluid pumped down the drill string and into the apparatus acts only to extend the bits.

For these reasons, Applicants assert that Huitt fails to teach each and every claim limitation of claims 1, 5, 10 and 11, as required to maintain a rejection under 35 U.S.C. § 102(b). Therefore, the Examiner is respectfully requested to withdraw this rejection.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Huitt in view of U.S. Patent No. 4,809,729 (Muddiman). Applicants respectfully traverse the rejection.

The Examiner cites Muddiman to show a specific structure for a burst disk. However, in view of the comments above in relation to Huitt, Applicants assert that the addition of Muddiman to Huitt does not teach, disclose or suggest the present invention. Specifically, Huitt does not use a burst disk, as defined in Applicant's invention.

For this reason, Applicants respectfully request that the Examiner withdraw the rejection of claim 2.

Claims 3-4 and 12-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huitt in view of Muddiman and in further view of U.S. Patent No. 5,890,536 (Nierode). Applicants respectfully traverse the rejection.

The Examiner cites Nierode to show the use of ball sealers in fracturing operations. However, in view of the comments above in relation to Huitt and Muddiman, Applicants assert that the combination of Huitt, Muddiman and Nierode does not teach, disclose or suggest the present invention. Specifically, ball sealers are of no use in the Huitt apparatus because fracturing fluid is not provided through the apparatus.

For this reason, Applicants respectfully request that the Examiner withdraw the rejection of claims 3-4 and 12-13.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Huitt in view of Hartley. Applicants respectfully traverse the rejection.

The Examiner cites Hartley as teaching the use of a first burst disk having a lower bursting pressure. In view of the comments above relating to Huitt it is clear that burst disks are not used in that apparatus.

For this reason, Applicants respectfully request that the Examiner withdraw this rejection of claim 6.

Claims 7-9 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huitt in view of U.S. Patent No. 5,111,881 (Soliman) and in further view of Nierode. Applicants

respectfully traverse the rejection.

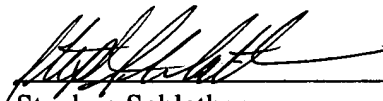
The Examiner cites Soliman as teaching the use of cup packers, gel packers, sand plugs and proppant plugs to isolate the annulus. However, for the reasons described above in relation to Huitt, the addition of Soliman does not teach, suggest or disclose the present invention.

For this reason, Applicants respectfully request that the Examiner withdraw the rejection of claims 7-9 and 14.

In summary, for reasons detailed above, it is submitted that all claims now present in the application are allowable. Accordingly, allowance of all claims is submitted to be in order. Such action is respectfully requested.

The Commissioner is hereby authorized to charge or credit any fees to Deposit Account 04-1579(56.0622)

Respectfully submitted,



Stephen Schlather
Reg. No. 45,081

SCHLUMBERGER TECHNOLOGY CORPORATION
110 Schlumberger Drive, MD-1
Sugar Land, Texas 77478

281.285.4524
281.285.8569 (fax)